

GP 16243  
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FEE TRANSMITTAL  
for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) -0-

## Complete if Known

Application Number	08/781,296
Filing Date	January 13, 1997
First Named Inventor	John B. Harley
Examiner Name	Mary K. Zeman
Group Art Unit	1643
Attorney Docket No.	OMRF 161

TECH CENTER 16012900

## METHOD OF PAYMENT (check one)

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
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01-2507

Deposit  
Account  
Name

Arnall Golden &amp; Gregory

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17

- ☐
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
14	-26	= 0	X = 0
3	-6	=	X = 0
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) -0-

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (Print/Type) Patrea L. Pabst

Registration No.  
(Attorney/Agent)

31,284

Complete (if applicable)

Telephone 404-873-8794

Signature

Date October 26, 2000

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John B. Harley and Judith A. James

Serial No: 08/781,296

Examiner: Mary K. Zeman

Filed: January 13, 1997

Art Unit: 1643

#34  
chk  
11-16-00

For: *DIAGNOSTICS AND THERAPY OF EPSTEIN-BARR VIRUS IN  
AUTOIMMUNE DISORDERS*

Assistant Commissioner of Patents  
Washington, D.C. 20231

RESPONSE

Sir:

Responsive to the Office Action mailed September 29, 2000, please consider the following remarks. It is believed that no additional fee is required with this submission. However, the Commissioner is hereby authorized to charge any additional required fees to Deposit Account No. 01-2507.

Claim 27 was rejected under 35 U.S.C. §102(e) as disclosed by U.S. Patent No. 5,965,353 to Middledorp. Claim 27 was rejected under 35 U.S.C. §102(b) as disclosed by WO 94/06912 to Middledorp.

The Office Action states that the undersigned has "failed to address the portions of the rejection under §102(b) over Middeldorp which involved anticipation of Applicant's peptide SEQ ID NO:24, specifically with respect to SEQ ID NO:6 of Middeldorp.

As previously noted, claims 27 and 28 were amended to more clearly define the peptide as including up to about 40 amino acids, of the portion containing the defined epitopes.

The Middeldorf PCT discloses Epstein Barr virus peptides for use as methods for detecting antibodies to Epstein Barr (not antibodies to human self-antigens which are also cross-reactive with Epstein Barr viral proteins). Sequence ID No. 1 includes more than 120 amino acids, so it is clearly not encompassed by, nor anticipated by, claims 27 and 28 as amended.

Applicant's sequence is: PRO GLY ALA ILE GLU GLN GLY PRO ALA (SEQ ID NO:24)

Middeldorp's sequence is: PRO ASP VAL PRO PRO GLY ALA ILE GLU GLN GLY  
PRO (SEQ ID NO:6)

These are not the same. There is certainly overlap, but §102 requires that they be the same. Middeldorp's sequence includes additional sequence at the beginning of the peptide, and Applicant's sequence includes additional sequence at the end of the peptide. Because Applicant's sequence requires an amino acid that is not present in Middeldorp's sequence, even if Applicant's sequence included additional amino acids (i.e., were a longer peptide as defined by the claim, so as to encompass the additional amino acids in the beginning of Middeldorp's peptide), it still would be different from Middeldorp's peptide, which simply does not require an alanine at the end.

U.S. SERIAL NO.: 08/781,296  
FILED: January 13, 1997  
RESPONSE

Allowance of all claims 27-40, as amended, is earnestly solicited. All claims as pending upon entry of this amendment are attached in an appendix for the convenience of the examiner.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Pa 12', is written over a horizontal line.

Patrea L. Pabst  
Reg. No. 31,284

Date: October 26, 2000  
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U.S. SERIAL NO.: 08/781,296  
FILED: January 13, 1997  
RESPONSE

**Certificate of Mailing under 37 CFR § 1.8(a)**

I hereby certify that this Appeal Brief, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
\_\_\_\_\_  
Jean Hicks

Date: October 26, 2000